

Remarks / Arguments

With this Amendment, the Applicant has amended claims 36, 37, and 39. No new matter has been added by virtue of this Amendment. Support for this Amendment can be found throughout the originally filed specification. For example, support can be found in paragraphs [0010], [0057] and [0065]. Claims 1-18 were previously canceled, and claims 19-35 were previously withdrawn. Claims 19-42 are currently pending in this application.

1. Claim Rejections – 35 U.S.C. § 112

The Examiner has rejected claims 36-42 under 35 USC § 112, second paragraph, as being indefinite. Specifically, the Examiner states that the phrase “commercially produced shaped dough” in claim 36 and the phrase “commercially preparing” in claim 39 are indefinite.

The Applicant respectfully asserts that the phrase “commercially produced shaped dough” has the clear meaning of a shaped dough that is made at a manufacturing facility in order to serve a large market. The phrase “commercially preparing” has the clear meaning of making a product at a manufacturing facility in order to serve a large market. The clear meanings of “commercially produced shaped dough” and “commercially preparing” are consistent with the dictionary definition of “commercial.” *Merriam Webster’s Collegiate® Dictionary* defines “commercial” as “designed for a large market.” *Merriam Webster’s Collegiate® Dictionary* 231, def. 2b (10th ed. 1993). The relevant page from this dictionary is submitted herewith. Moreover, the clear meanings of “commercially produced shaped dough” and “commercially preparing” are consistent with the use of the phrase “commercially made” in the reference “How to Bake” by Nick Malgieri, which was cited by the Examiner in the Office Action dated June 11, 2010. In the “How to Bake” reference, the phrase “commercially made” is used to distinguish bread that is made at a manufacturing facility in order to serve a large market from “homemade bread.” (See “How to Bake,” p. 41, para. 3.) Therefore, the phrases “commercially produced shaped dough” and “commercially preparing” each have a clear meaning, as illustrated by dictionary definitions and literature regarding baked goods.

The Applicant respectfully requests the withdrawal of the rejections under 35 USC § 112.

2. Claim Rejections – 35 U.S.C. § 103

The Examiner has rejected claims 36-42 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,861,601 to Seneau (hereinafter “Seneau”) in view of the books “Breads,” “Baking with Julia,” “Professional Baking,” and “How to Bake.”

In order for a claim to be rendered obvious, each of the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 984 (CCPA 1974). Claims 36-42 are not rendered obvious by the prior art cited by the Examiner, because the cited prior art does not teach or suggest all of the features recited in the claims.

Claim 36 is directed to a proofed, par-baked, frozen or refrigerated dough intermediate comprising “a plasticizing agent forming a sealing layer on an exposed surface of the dough, the sealing layer restricting dehydration of the dough during par-baking and subsequent freezing or refrigerating; wherein the dough intermediate has a reduced dehydration prior to a final finishing step for making a baked product.” Claim 39 is directed to a method of making a proofed, par-baked, frozen or refrigerated dough intermediate comprising the step of “applying a plasticizing agent onto a surface of the dough to create a sealing layer on the dough for restricting dehydration of the dough during partial finishing and subsequent freezing or refrigerating.” A significant problem with par-baking and subsequent refrigerating or freezing of a dough product is moisture loss. Moisture is lost from the dough during par-baking, and the moisture loss is exacerbated during refrigerated or frozen storage. As a result of this continued moisture loss, par-baked products that are frozen or refrigerated and are subsequently heated to make the final product suffer from various deficiencies as compared to homemade freshly baked products, such as crust separation, crust toughness, and a general lack of freshness. The invention of claims 36 and 39 alleviates this significant moisture loss by the use of a sealing layer which restricts dehydration of the dough during par-baking and subsequent refrigerating or freezing.

Seneau discloses a preproofed, partially baked, frozen bread product. (Seneau, Abstract.) However, Seneau is silent with regard to a plasticizing agent forming a sealing layer on an exposed surface of the dough, the sealing layer restricting dehydration of the dough during par-baking or partial finishing and subsequent freezing or refrigerating. Seneau is also silent with regard to applying a plasticizing agent onto a surface of the dough to create a sealing layer on the dough for restricting dehydration of the dough during partial finishing and subsequent

refrigerating or freezing. In fact, the method disclosed in Seneau requires two injections of steam into the oven during par-baking in order to produce a par-baked dough product with a desired moisture content. (Seneau, col. 2, line 55 – col. 3, line 2; col. 4, lines 19-41.) Therefore, rather than using a sealing layer which restricts dehydration, as recited in claims 36 and 39, the method of Seneau uses steam injections to add moisture to a dough product. Because Seneau is silent with regard to a plasticizing agent forming a sealing layer, Seneau does not teach or suggest the inventions of claims 36 and 39.

The remaining references cited by the Examiner fail to compensate for the deficiencies of Seneau. The Examiner cites “Baking with Julia” for teaching “different cutting or indentation.” (Office Action, p. 3, para. 2.) The book “Breads” is cited for teaching brushing a dough with a glaze before baking. (Office Action, p. 3, para. 1.) “Professional Baking” is cited for teaching the use of oil as a wash for rolls. (Office Action, p. 3, para. 3.) “How to Bake” is cited for teaching the oiling of surfaces of a dough. (Office Action, p. 3, para. 4.)

Although “Breads,” “Professional Baking,” and “How to Bake” teach the application of a fat to a dough, none of the these references teach a “sealing layer restricting dehydration of the dough during par-baking and subsequent freezing or refrigerating,” as recited in claim 36. Moreover, none of these references teach “applying a plasticizing agent onto a surface of the dough to create a sealing layer on the dough for restricting dehydration of the dough during partial finishing and subsequent freezing or refrigerating,” as recited in claim 39. In fact, “Baking with Julia,” “Breads,” “Professional Baking,” and “How to Bake” do not teach or suggest **any** method for restricting dehydration during par-baking and subsequent freezing or refrigerating, because these references are completely silent with regard to par-baking and subsequent freezing or refrigerating of a dough product.

Even if “Baking with Julia,” “Breads,” “Professional Baking,” and “How to Bake” taught a sealing layer for restricting dehydration of a dough during par-baking and subsequent freezing or refrigerating, the combination of teachings regarding the use of a sealing layer with the teachings of Seneau would lead to an inoperable result. The invention of Seneau is directed to a method involving the use of steam injections to increase the moisture content of a dough product. (Seneau, col. 2, line 55 – col. 3, line 2; col. 4, lines 19-41.) However, if a sealing layer was

applied to the Seneau dough product, the steam injections would be ineffective because the sealing layer would form a protective barrier between the dough product and the steam.

As discussed above, the cited references, either alone or in combination, do not teach or suggest a “sealing layer restricting dehydration of the dough during par-baking and subsequent freezing or refrigerating,” as recited in claim 36, or “applying a plasticizing agent onto a surface of the dough to create a sealing layer on the dough for restricting dehydration of the dough during partial finishing and subsequent freezing or refrigerating,” as recited in claim 39. Therefore, Seneau, “Breads,” “Baking with Julia,” “Professional Baking,” and “How to Bake,” either alone or in combination, do not teach all of the limitations of claims 36 and 39.

For the foregoing reasons, claims 36 and 39 are not rendered obvious by the references cited by the Examiner. Claims 37 and 38 are dependent on claim 36, and claims 40-42 are dependent on claim 39. Therefore, claims 37-38 and 40-42 are also not rendered obvious by the references cited by the Examiner.

The Applicant respectfully requests the withdrawal of the rejections under 35 USC § 103.

3. Request for Reconsideration and Allowance

Based upon the above Remarks, claims 19-42, as amended, are believed to be in proper form for allowance and patentable over the prior art made of record. Applicant respectfully requests reconsideration of claims 36-42, consideration of claims 19-35, and a prompt Notice of Allowance thereon.

Please charge any fees necessitated by this Amendment to Deposit Account No. 02-3732.

Please direct any questions or comments regarding this application to the undersigned attorneys.

Respectfully submitted,
General Mills, Inc., by its attorneys,

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thing that serves for illustration or explanation (the dark, airless apartments and sunless factories . . . are a sad ~ upon our civilization —H. A. Overstreet) **b** : an expression of opinion **commentate** \kə-mən-tāt\ **vb** -tat-ed; -tat-ing [back-formation fr. *commentator*] **v**t (1794) : to give a commentary on ~ **vi** : to comment in a usu. expository or interpretive manner; also : to act as a commentator **commentator** \kə-mən-tā-tər\ **n** (14c) : one who gives a commentary; esp. : one who reports and discusses news on radio or television **commerce** \kə-mərs\ **n** [MF, fr. L *commercium*, fr. *com-* + *merc-* *merchandise*] **1** : social intercourse : interchange of ideas, opinions, or sentiments **2** : the exchange or buying and selling of commodities on a large scale involving transportation from place to place **3** : SEXUAL INTERCOURSE *syn* see BUSINESS **commerce** \kə-mərs\ **vi** com-merced; com-merc-ing **(sô)** archaic : COMMUNE

(1596) *arabian* \ə-rā'bi-ən\ adj (1598) 1 a (1) : occupied with or engaged in commerce or work intended for commerce (a ~ artist) (2) : of or relating to commerce (~ regulations) (3) : characteristic of commerce (~ weights) (4) : suitable, adequate, or prepared for commerce (found oil in ~ quantities) b (1) : being of an average or inferior quality (~ oxalic acid) (show-quality versus ~ cattle) (2) : producing artistic work of low standards for quick market success 2 a : viewed with regard to profit (a ~ success) b : designed for a large market 3 : emphasizing skills and subjects useful in business 4 : supported by advertisers (~ TV) — **com-mer-cial-ity** \kō-mär-shé-ə-lə-tē\ n — **com-mer-cial-ly** \'-mär-shə(l)ē\ adv **com-mer-cial** n (1935) : an advertisement broadcast on radio or television

commercial bank *n* (1910) : a bank organized chiefly to handle the everyday financial transactions of businesses (as through demand deposit accounts and short-term commercial loans)

com-mer-cial-ise *Brit var of COMMERCIALIZE*
com-mer-cial-ism \kəm'ər-shəl-izəm\ *n* (1849) 1 : commercial spirit, institutions, or methods 2 : excessive emphasis on profit — **com-mer-cial-ist** \'-mər-shəl-əst\ *n* — **com-mer-cial-is-tic** \'-mər-shəl-əstik\ *adj*
— **com-mer-cial-ity** \kəm'ər-shəl-ətē\ *n* (1820) 1 : a te-

com-mer-cial-ize (kə-mĕr-shĕlĭz) *vt* -i-zed; -i-zing (1830) 1 *a* : to manage on a business basis for profit *b* : to develop commerce in 2 : to exploit for profit (as Christmas) 3 : to debase in quality for more profit — **com-mer-cial-i za-tion** (kə-mĕr-shĕlĭzāshĕn) *n* **commercial paper** (n. 1836) : short-term unsecured discounted paper usu. sold by one company to another for immediate cash needs

commercial traveler *n* (1807): TRAVELING SALESMAN
com' mäjüಲ್ಲಾ ಮೆಲ್ಲಿ *n*, often *can* [by shortening & alter.] (1940): COMMU-

com-mie \kə-mē\ *n.*, often *cap* [by shortening & alter.] (1940): COMMUNIST

com-mi-na-to-ry (kä-mä-nä-tör-e, -tör; kä-mi-nä-tör-e) adj
com-mingle (kä-ming'gäl, kä-) vt (ca. 1626) 1: to blend thoroughly

com-ming-le \kə-ming-gəl, kə-'vī (ca. 1620) 1: to blend thoroughly into a harmonious whole 2: to combine (funds or properties) into a common fund or stock ~ vi: to become commingled *syn* see MIX com-mi-nute \kā-mə-'nüt, -nyüüt\ vt ~nut-ed; ~nut-ing [L *comminus*, pp. of *communire*, fr. *com-* + *mihuere* to lessen — more at MINOR] (1626) : to reduce to minute particles: PULVERIZE — com-mi-nu-tion \kā-mə-'nü-shən, -nyüü-nən\ com-mis-er-a-te \kə-mi-zə-'rāt\ vb ~at-ed; ~at-ing [L *commiseratus*, pp. of *commiserari*, fr. *com-* + *miserari* to pity, fr. *miser* wretched] vi (1599): to feel or express sympathy: CONDOLE <—s with them on their loss> ~ vi: to feel or express sorrow or compassion for — com-mis-er-at-ing-ly adv — com-mis-er-a-tion \-mi-zə-'rā-shən\ n — com-mis-er-a-tive \-'mi-zə-'rā-tiv\ adj com-mis-sar \kə-mi'sər\ n [Dutch *kommissaris*, fr. G. *Kommissär*, fr. M.

com-mis-sar *\kä-mä-\sär* *n* [Russ *komissar*, fr. G *Kommissar*, fr. ML *commissarius*] (1918) 1 *a* : a Communist party official assigned to a military unit to teach party principles and policies and to ensure party loyalty *b* : one that attempts to control public opinion or its expression 2 : the head of a government department in the U.S.S.R. until 1946 — **com-mis-sar-i-al** *\kä-mä-\sär-\é\l, -\sér-\é\ adj* **com-mis-sar-i-at** *\kä-mä-\sér-\é\at, -\sär-, esp for 3 -\sär-\é* *n* [NL *commissariatus*, fr. ML *commissarius*] (1779) 1 : a system for supplying an army with food 2 : food supplies 3 [Russ *komissariat*, fr. G *Kommissariat*, fr. NL *commissarius*] : a government department in the U.S.S.R. until 1946 4 : a board of commissioners

U.S.S.R. until 1946 4: a board of commissioners
com-mis-sary \käm'is-är' \, pl. -**sar-ies** [ME *commissarie*, fr. ML *commissarius*, fr. L *commissus*, pp. of *committere*] (14c) 1: one delegated by a superior to execute a duty or an office 2: a: a store for equipment and provisions; esp : a supermarket operated for military personnel b: food supplies c: a lunchroom esp. in a motion-picture studio

com-mis-sion *\kə-'mi-shən* **n** [ME, fr. MF, fr. L *commission-*, *commission*, act of bringing together, fr. *committitare*] (14c) 1 **a** : a formal written warrant granting the power to perform various acts or duties **b** : a certificate conferring military rank and authority; also : the rank and authority so conferred 2 : an authorization or command to act in a prescribed manner or to perform prescribed acts : **CHARGE** 3 **a** : authority to act for, in behalf of, or in place of another **b** : a task or matter entrusted to one as an agent for another 4 **a** : a group of persons directed to perform some duty **b** : a government agency having administrative, legislative, or judicial powers **c** : a city council having legislative and executive functions 5 : an act of committing something 6 : a fee paid to an agent or employee for transacting a piece of business or performing a service; esp : a percentage of the money received from a total paid to the agent responsible for the business 7 : an act of entrusting or giving authority — **in commission** or **into commission** 1 : under the authority of commissioners 2 **a** : *ship* : ready for active service 3 : in use or in condition for use — **on commission** : with commission serving as partial or full pay for work done — **out of commission** 1 : out of active service or use 2 : out of working order
commission **vi** **-mis-sioned; -mis-sion-ing** *\-'mi-sh(ə-)nij* (ca. 1661) 1 : to furnish with a commission: as **a** : to confer a formal commission on (was *~ed* lieutenant) **b** : to appoint or assign to a

task or function (was *~ed* to do the biography) 2 : to order to be made (*~ed* a portrait) 3 : to put (a ship) in commission
com-mis-sion-aire *ka-mi-sha'-nar*, *'ner* *n* [F *commissionnaire*, fr. *commission*] (1641) *chiefly Brit* : a uniformed attendant
commissioned officer *n* (15c) : an officer of the armed forces holding by a commission a rank of second lieutenant or ensign or above
com-mis-sion-er *ka-mi-sha'-nor* *n* (15c) : a person with a commission: as a : a member of a commission b : the representative of the governmental authority in a district, province, or other unit often having both judicial and administrative powers c : the officer in charge of a department or bureau of the public service d : the administrative head of a professional sport — **com-mis-sion-er-ship** *'ship* *n*
commission merchant *n* (1796) : BROKER 1b
commission plan *n* (1919) : a method of municipal government under which a small elective commission exercises both executive and legislative powers and each commissioner directly administers one or more municipal departments
com-mis-sure *'kä-mä-shürl* *n* [ME, fr. MF or L; MF, fr. L *commis-sura* a joining, fr. *commis-sus*, pp.] (15c) 1 : a point or line of union or junction esp. between two anatomical parts (as adjacent heart valves) 2 : a connecting band of nerve tissue in the brain or spinal cord — **com-mis-sural** *ka-mä-shürl-əl* *adj*
com-mit *ka-mit'* *vb* **com-mit-ted**; **com-mit-ting** [ME *committen*, fr. L *committere* to connect, entrust, fr. *com-* + *mittere* to send] *v* (14c) 1 a : to put into charge or trust: ENTRUST b : to place in a prison or mental institution c : to consign or record for preservation (as *~ it to memory*) d : to put into a place for disposal or safekeeping e : to refer (as a legislative bill) to a committee for consideration and report 2 : to carry into action deliberately: PERPETRATE (as a crime) 3 a : OBLIGATE, BIND b : to pledge or assign to some particular course or use (all available troops were *committed* to the attack) c : to reveal the views of (refused to *~* himself on the issue) *~ vi 1 obs* : to perpetrate an offense 2 : to obligate or pledge oneself — **com-mit-ta-ble** *'mi-ta-bəl* *adj*

syn COMMIT, ENTRUST, CONFIDE, CONSIGN, RELEGATE mean to assign to a person or place for a definite purpose. COMMIT may express the general idea of delivering into another's charge or the special sense of transferring to a superior power or to a special place of custody (committed the felon to prison). ENTRUST implies committing with trust and confidence (the president is *entrusted* with broad powers). CONFIDE implies entrusting with great assurance or reliance (confided complete control of my affairs to my attorney). CONSIGN suggests removing from one's control with formality or finality (consigned the damaging notes to the fire). RELEGATE implies a consigning to a particular class or sphere often with a suggestion of getting rid of (relegated to an obscure position in the company).

com-mit-ment \kə-mit-mənt\ *n* (1621) 1 *a* : an act of committing to a charge or trust: as (1) : a consignment to a penal or mental institution (2) : an act of referring a matter to a legislative committee *b* : **MITTIMUS** 2 *a* : an agreement or pledge to do something in the future; esp : an engagement to assume a financial obligation at a future date *b* : something pledged *c* : the state or an instance of being obligated or emotionally involved (*a* ~ to a cause)

obligated or emotionally impelled (a ~ to a cause)
com-mit-tal \kə-mīt'l\ n (1818) : COMMITMENT, CONSIGNMENT
com-mit-tee \kə-mīt-tē, sense 1 also \kā-mī-tē\ n (15c) 1 *archaic* : a person to whom a charge or trust is committed 2 a : a body of persons delegated to consider, investigate, take action on, or report on some matter; esp : a group of fellow legislators chosen by a legislative body to give consideration to legislative matters b : a self-constituted organization for the promotion of a common object
com-mit-tee-man \kə-mīt-tē-mən, -mān\ n (1654) 1 : a member of a

committee 2 : a party leader of a ward or precinct
committee of the whole (1775) : the whole membership of a legislative house sitting as a committee and operating under informal rules
committee-woman *n* (1853) : 1 : a woman who is a

com-mit-tee-wom-an (kō-mit'ē-wōm'ən) n (1835). 1 : a woman who is a member of a committee 2 : a woman who is a party leader of a ward or precinct
com-mix (kō'miks, kä'-) vb [back-formation fr. ME *comixt* blended, fr. L. *commixtus*, pp. of *commiscere* to mix together, fr. *com-* + *miscere* to mix] 1 : to mix together 2 : to mix (as思想) 3 : to become mixed

mix — more at **MIX** 1 **v** (15c) : **MINGLE, BLEND** ~ **v** : to become mingled or blended
com-mix-ture \-char\ **n** [*L. commixtura, fr. commixtus*] (1592) 1 : the act or process of mixing : the state of being mixed 2 : **COMPOUND, MIXTURE**

com-mode \kə-'mōd\ n [F, fr. *commode*, adj., suitable, convenient, fr. L *commodus*, fr. *com-* + *modus* measure — more at *METE*] 1 : a woman's ornate cap popular in the late 17th and early 18th centuries 2 a : a low chest of drawers b : a movable washstand with a cupboard underneath c : a boxlike structure holding a chamber pot under an open seat; also : CHAMBER POT 3 b : TOILET 3b

com-mo-di-ous *ka-mō-dē-əs\ adj [ME, useful, fr. MF *commodieux*, fr. ML *commodiosus*, irreg. fr. L *commodum* convenience, fr. neut. of *commodus*] (15c) 1 : comfortably or conveniently spacious : ROOMY (a *↔* closet) 2 *archaic* : HANDY, SERVICEABLE *syn* see SPACIOUS — **com-mo-di-ous-ly** *adv* — **com-mo-di-ous-ness** *n**

com-mod-i-ty *ka-mid-i-tē* *n.* *pl.* **-ties** [ME *commodie* 1 *commoditee*, fr. MF *commodité*, fr. L *commoditatis*, *commoditas*, fr. *commodus*] (15c) 1: an economic good: as a: a product of agriculture or mining b: an article of commerce esp. when delivered for shipment (*commodities futures*) c: a mass-produced unspecialized product (*~chemicals*) (*~memory chips*) 2: a: some



commodo. V